IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5831 OF 2005

Mr. Mangesh @ Dadya Ananta Bhagwat ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. S.S. Thombre for the Applicant.
Ms S.D. Shinde, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 23, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. The offence alleged against the Applicant is under sections 341, 307, 289 read with section 34 of the Indian Penal Code and section 3 read with section 25 of the Arms Act. The learned Advocate for the Applicant submitted that in so far as role played by the Applicant is concerned, the version of the witnesses is inconsistent. He submitted that the injuries on the person of the injured are injuries of simple nature caused by hard and blunt object. He submitted that considering the fact that investigation is complete, the Applicant is entitled to be enlarged on bail.

2. The learned A.P.P. submitted that the Applicant is history-sheeter and number of offences are registered against him. The learned A.P.P. pointed out that the Applicant was possessing a loaded revolver and he placed the loaded revolver above the ear of the first informant and threatened to kill him. The learned A.P.P. pointed that the Applicant made ferocious dogs attack the first informant and therefore, no case is made out for grant of relief.

3. The first informant has stated in his statement about the threat given by the Applicant by using a loaded revolver. There is a statement of a Police Constable Salunkhe who claims that he resolved the dispute between the first informant and his wife on the one hand and the accused on the other hand. He has not stated that he has seen the Applicant using the revolver. He merely records in the statement that the first informant informed him that the Applicant threatened him by showing revolver. The version of the constable is that he resolved the dispute and after everyone left the spot he left for a round. The statements of other two to three eye-witnesses do not disclose that the Applicant threatened the first informant by showing revolver. As stated earlier, the injury certificate shows that the injuries on the person of the injured person are of simple nature. In so far as the antecedents are concerned, the Applicant has been acquitted of an offence under section 302 of the Indian Penal Code. There are four other cases pending. Two cases are of the year 1999, third case is of the year 2000 and the fourth case is of the year 2003. In most of the cases, the offence alleged are under sections 324, 504 and 506 of the Indian Penal Code.

4. Considering the facts and circumstances of the

case, a case is made out for enlarging the Applicant on bail, subject to stringent conditions.

5. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with **C.R.No.76 of 2005 registered with Khed Police Station, District Pune,** subject to furnishing a personal bond of **Rs.20,000/-** with one or two sureties in the like amount.

ii) The Bail is granted subject to condition that till the conclusion of the trial, the Applicant will not enter the area falling within the jurisdiction of Khed Police Station except for attending the dates of pending cases against him in the Court.

iii) The the Applicant will be enlarged on bail only after he furnishes to the Investigating Officer the detailed address of place of residence where he proposes to stay after he is enlarged on bail.

iv) The Bail is granted subject to condition that the Applicant will report to the concerned local Police Station once in the fortnight till the conclusion of the trial.

v) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

vi) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

vii) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

viii) Application is disposed of in above terms.

ix) The parties to act upon an authenticated copy of this order.

JUDGE